

# Order

Michigan Supreme Court  
Lansing, Michigan

April 23, 2021

Bridget M. McCormack,  
Chief Justice

161598

DAVID SOLE,  
Plaintiff-Appellant,

v

MICHIGAN ECONOMIC DEVELOPMENT  
CORP.,

Defendant-Appellee.

SC: 161598  
COA: 350764  
Ct of Claims: 19-000007-MZ

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh  
Elizabeth M. Welch,  
Justices

On order of the Court, the application for leave to appeal the June 4, 2020 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief addressing: (1) whether, at the time of the request and pursuant to MCL 125.2005, the total value of tax credits extended to General Motors was exempt from disclosure under the Freedom of Information Act, MCL 15.231 *et seq.*, as “financial or proprietary information” or as “[a] record or portion of a record, material, or other data received, prepared, used, or retained by the fund . . . in connection with an application to or with . . . an award, grant, loan, or investment that relates to financial or proprietary information submitted by the applicant that is considered by the applicant and acknowledged by the board or a designee of the board as confidential”; and (2) whether MCL 125.2005(11) requires the full disclosure, without redaction, of the tax credit agreement because “[a]ny document to which the fund is a party evidencing a loan, insurance, mortgage, lease, venture, or other type of agreement the fund is authorized to enter into shall not be considered financial or proprietary information that may be exempt from disclosure under subsection (9).” The appellant’s brief shall be filed by August 30, 2021, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant’s brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellees’ brief. The parties should not submit mere restatements of their application papers.

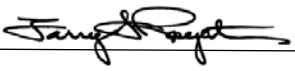
The Mackinac Center for Public Policy, the Government Law Section of the State Bar of Michigan, and the Michigan Chamber of Commerce are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



t0420

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 23, 2021

  
Clerk